

Hon. Barbara J. Rothstein

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

Kenneth Milton and Josephine Milton, husband
and wife,

Plaintiffs,

vs.

Boston Scientific Corporation,

Defendant.

NO. 2:23-cv-01251-BJR

**STIPULATED MOTION AND ORDER OF
DISMISSAL OF CLAIMS**

IT IS HEREBY STIPULATED by counsel for the parties hereto that the following claims
set forth in Plaintiff's First Amended Complaint, shall be dismissed with prejudice:

1. All claims relating to or alleging common law negligence.
2. All claims relating to or alleging that the subject device was not adequately tested or
inspected.
3. All claims relating to or alleging that the subject device was not accompanied by
adequate or appropriate warnings.

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STIPULATED MOTION AND ORDER

STIPULATION AND ORDER OF DISMISSAL OF CLAIMS - 1
2:23-cv-01251-BJR

OGDEN MURPHY WALLACE, P.L.L.C.
901 5th Ave, Suite 3500
Seattle, WA 98164
Tel: 206-447-7000/Fax: 206-447-0215

1 DATED this 2nd day of January, 2023.

2 KARL E. MALLING, P.S.


OGDEN MURPHY WALLACE, PLLC

3
4 By: _____

5 Karl E. Malling, WSBA #7047
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8 Snohomish, WA 98290
9 Tel: 206-629-5240

Attorney for Plaintiff

By _____


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13 Seattle, WA 98164
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15 Fax: 206-447-0215
16 Attorneys for Defendant Boston Scientific
17 Corporation

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STIPULATED MOTION AND ORDER

STIPULATION AND ORDER OF DISMISSAL OF CLAIMS - 2
2:23-cv-01251-BJR

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ORDER

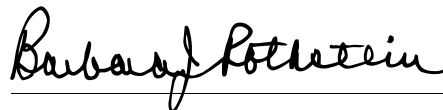
Pursuant to the Parties' Stipulation for Dismissal with prejudice of the following claims set forth in Plaintiff's First Amended Complaint:

1. All claims relating to or alleging common law negligence.
2. All claims relating to or alleging that the subject device was not adequately tested or inspected.
3. All claims relating to or alleging that the subject device was not accompanied by adequate or appropriate warnings.

IT IS SO ORDERED that Plaintiff's claims against Defendants Boston Scientific Corporation as set forth above are hereby **DISMISSED** with prejudice, and without costs to any party.

This Order moots Defendant's Motion to Dismiss, ECF No. 14, and it is hereby STRICKEN AS MOOT. On or before January 16, 2024, the parties shall file an amended joint status report, pursuant to this Court's Order Regarding Initial Disclosures, ECF No. 9.

DATED this 3rd day of January, 2024.



Honorable Barbara J. Rothstein
United States District Judge

CERTIFICATE OF SERVICE

The undersigned declares under penalty of perjury under the laws of the State of Washington that a true and accurate copy of the document to which this declaration is affixed was sent to the following, by the method indicated:

Karl E. Malling
1429 Avenue D, St. 167
Snohomish, WA 98290
Karl@mallinglaw.com

Counsel for Plaintiff

- ☒ via Electronic Court Filing (ECF)
☒ via Electronic Mail
☐ via USPS Mail
☐ via Federal Express
☐ via Hand-delivery
☐ Other: _____

DATED: January 3, 2024, at Seattle, Washington.



Susan Grimes, Legal Assistant